

United States Government
NATIONAL LABOR RELATIONS BOARD
Region 16
819 Taylor Street - Room 8A24
Fort Worth, TX 76102-6178
Agency Web Site: www.nlr.gov

January 25, 2008

Online Air Balancing Co.
Attn: Mr. Aston Griffiths, President
11500 N.W. Freeway - Suite 450
Houston, Texas 77092

Re: Online Air Balancing Co.
Case No. 16-RM-776

Dear Mr. Griffiths:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered.

As a result of the investigation, I find that further proceedings are unwarranted. The investigation disclosed that Online Air Balancing Company is a member of a multi-employer bargaining unit that is governed by Section 9(a) of the National Labor Relations Act. Based on the history of bargaining on a multi-employer basis, the only appropriate unit for an election is a multi-employer unit. Thus, the petition in this matter, which seeks an election for the employees of Online Air Balancing Company only is inappropriate. Accordingly, I am dismissing the petition in this matter.

A review of this action may be obtained by filing a request with the National Labor Relations Board in Washington, D.C. See attached Form NLRB-4916 as to instructions for filing such request for review.

The request for review and any request for extension of time must include a statement that a copy has been served on this office and on each of the other parties to this proceeding in the same or a faster manner as that utilized in filing the request with the Board.

In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with its offices. If a party wishes to file one of the documents which may now be filed electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. Guidance for E-filing can also be found on the National Labor Relations Board website at www.nlr.gov. On

the home page of the website, select the **E-Gov** tab and click on **E-Filing**. Then select the NLRB office for which you wish to E-File your documents. Detailed E-filing instructions explaining how to file the documents electronically will be displayed.

Sincerely,

Martha Kinard
Regional Director

cc: Sheet Metal Workers' Union Local No. 54
900 W. 34th Street
Houston, Texas 77018

Mr. Patrick M. Flynn, Esquire
1225 North Loop West - Suite 1000
Houston, Texas 77008-4722

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

**INSTRUCTIONS FOR FILING REQUEST FOR REVIEW OF
ADMINISTRATIVE DISMISSAL OF REPRESENTATION PETITIONS**

Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing a request therefore with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, Washington, D.C., 20570. A copy of such request for review must be served on the Regional Director and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for review (eight copies) must be received by the Executive Secretary of the Board in Washington, D.C., by close of business on **February 8, 2008**. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C., and a copy of any such request for extension of time should be submitted to the Regional Director, and to each of the other parties to this proceeding.

The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail or telegraph.